

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ONE NUMBER CORPORATION,)	
Plaintiff,)	
)	
vs.)	1:10-cv-312-RLY-TAB
)	
GOOGLE, INC.,)	
Defendant.)	

ORDER GRANTING DEFENDANT'S MOTION TO STAY

Defendant moved to stay this case pending the Patent & Trademark Office's re-examination of the patents-in-suit. [Docket No. 28.] The Court granted a similar motion in *Cook Inc. v. Endologix, Inc.*, No. 1:09-cv-1248-WTL-TAB (S.D. Ind. Jan. 21, 2010), 2010 WL 325960, concluding that a stay would not unduly prejudice the nonmoving party, would simplify the issues, and would reduce the burden of litigation on the parties and the Court. Granting a stay is similarly appropriate in this case. On re-examination, the PTO recently rejected all claims of the '256 patent and all but two dependent claims of the '565 patent as invalid. [Docket No. 28, Ex. 3 at 3, Ex. 4 at 3.] The pending PTO proceedings could therefore significantly narrow this case, which has not yet entered the case management stage. Though Plaintiff claims prejudice because it could not obtain a permanent injunction during a stay, Plaintiff has done nothing since filing its complaint last March to pursue injunctive relief. And Plaintiff's complaint that it needs discovery has presumably been resolved by agreement of the parties. [See Docket No. 36.] The Court therefore grants Defendant's motion to stay proceedings pending re-examination of the patents-in-suit. [Docket No. 28.]

Dated: 02/15/2011



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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